

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CALVIN BURKE,

Plaintiff,

v.

KEEFE COMMISSARY NETWORK
SALES,

Defendant.

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No. 4:15CV348 SPM

MEMORANDUM AND ORDER

Plaintiff, a prisoner seeking leave to proceed in forma pauperis, brings this *qui tam* action under the False Claims Act against Keefe Commissary Network Sales for alleged tax fraud. Having reviewed plaintiff's financial information, the Court assesses a partial initial filing fee of \$12.00, which is twenty percent of his average monthly balance. See 28 U.S.C. § 1915(b).

Under 28 U.S.C. § 1915(e), the Court is required to dismiss a complaint filed in forma pauperis if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. This action must be dismissed because a pro se party cannot bring a *qui tam* action on behalf of the United States. E.g., Stoner v. Santa Clara County Office of Educ., 502 F.3d 1116, 1126-27 (9th Cir. 2007).

Accordingly,

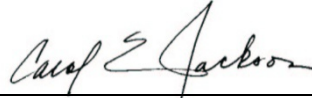
IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [ECF No. 2] is **granted**.

IT IS FURTHER ORDERED that the plaintiff shall pay an initial filing fee of \$12.00 within thirty (30) days of the date of this Order. Plaintiff is instructed to make his remittance payable to "Clerk, United States District Court," and to include upon it: (1) his name; (2) his

prison registration number; (3) the case number; and (4) that the remittance is for an original proceeding.

IT IS FURTHER ORDERED that plaintiff's motion for pleadings and documents to be filed under seal [ECF No. 4] is **denied**.

Dated this 2nd day of March, 2015.

A handwritten signature in cursive script, reading "Carol E. Jackson", written in black ink.

CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE